

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Numbering Resource Optimization

CC Docket No. 99-200

BELLSOUTH TELECOMMUNICATIONS, INC.**EMERGENCY PETITION FOR PARTIAL WAIVER/EXTENSION OF TIME**

BellSouth Telecommunications, Inc. ("BellSouth"),¹ by counsel and pursuant to Sections 1.3² and 1.46³ of the Commission's rules, respectfully requests a partial waiver or extension of the February 1, 2001 deadline for submitting its number utilization data as mandated by Section 52.15(f)(6)(i) of the Commission's rules.⁴ As demonstrated more fully herein, BellSouth will not be able to comply fully with the Commission's reporting requirements by the February 1 deadline because of recently discovered errors in the utilization data to be submitted to the North American Numbering Plan Administrator ("NANPA"). BellSouth became aware of the data errors just yesterday, January 31, 2001, and therefore, has not had an opportunity to determine the source of the errors and develop solutions. Although BellSouth will not be able to submit utilization data by the February 1 reporting deadline, it does intend to submit the required

¹ This petition is filed on behalf of BellSouth Telecommunications, Inc., an affiliated company of BellSouth Corporation, that provides wireline local telephone service.

² 47 C.F.R. § 1.3 ("Any provision of the rules may be waived by the Commission on its motion or on petition if good cause therefor is shown.).

³ 47 C.F.R. § 1.46.

⁴ 47 C.F.R. § 52.15(f)(6)(i).

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forecast data⁵ in accordance with the Commission's deadline. BellSouth therefore respectfully requests that the Commission grant a partial waiver of the reporting deadline and allow BellSouth to submit its utilization data as soon as possible, and in any event, no later than March 1, 2001.

I. A WAIVER IS WARRANTED.

BellSouth satisfies the "good cause" standard for grant of a waiver.⁶ Courts have held that "a waiver is appropriate only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."⁷ The Commission "may exercise its discretion to waive a rule where particular facts would make strict compliance inconsistent with the public interest."⁸

A waiver is justified under the standard articulated above. First, unique circumstances exist that would make strict application of the reporting deadline inconsistent with the public interest. BellSouth, like many other carriers, has had to upgrade and/or modify its systems to accommodate the kind of data collection and reporting contemplated by the Commission in the *Numbering Resource Optimization Order*.⁹ For example, BellSouth has had to modify its legacy

⁵ See 47 C.F.R. § 52.15(f)(4).

⁶ See 47 C.F.R. §1.3; *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) ("The FCC has authority to waive its rules if there is 'good cause' to do so.").

⁷ *Northeast Cellular Telephone Co.*, 897 F.2d at 1166; see also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

⁸ *Northeast Cellular Telephone Co.*, 897 F.2d at 1166 (citing *WAIT Radio*, 418 F.2d at 1159).

⁹ *Numbering Resource Optimization*, CC Docket No. 99-200, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 00-104 (rel. Mar. 31, 2000) ("NRO Order" and "FNPRM").

systems in order to identify assigned, intermediate, reserved, and administrative numbers as required by the new rules. Trying to accomplish the necessary changes in a timely manner has been a challenging endeavor. Up until late yesterday, BellSouth fully believed that it would meet the February 1 reporting deadline. However, a final download of the required utilization data on January 31, 2001 revealed extensive errors. Given the impending deadline, BellSouth has not had an opportunity to identify and correct the problems creating the errors. Although BellSouth is taking steps to resolve the problems as quickly as possible, this process will take time. In the meantime, BellSouth will provide the NANPA with forecast data in accordance with the February 1 deadline.

II. AN EXTENSION OF THE FILING DEADLINE WILL SERVE THE PUBLIC INTEREST.

BellSouth's request for a brief extension of the February 1 reporting deadline will serve the public interest. An extension is warranted because it will allow BellSouth time to submit accurate utilization data. It is pointless and potentially risky to provide the NANPA with erroneous data. The NANPA is responsible for collecting, aggregating, and analyzing carrier numbering reports. Reliance on flawed data could have serious implications since, for example, the NANPA compiles various reports on number exhaust that state commissions rely on to develop area code relief plans. Consequently, it is important that carrier reports contain reliable data. Thus, allowing BellSouth additional time to submit accurate utilization data will serve the public interest by ensuring that the Commission, the NANPA, and state commissions do not rely on erroneous data and therefore draw incorrect conclusions.

III. CONCLUSION

BellSouth is firmly committed to the goal of efficient number usage and has been working diligently to implement the Commission's new rules. Nonetheless, as demonstrated above, due to unforeseen circumstances, BellSouth cannot meet the February 1, 2001 reporting deadline. Although BellSouth will submit forecast data to the NANPA in accordance with the February 1 reporting deadline, it will not be able to provide the required utilization data. An extension will not harm any interested party and, in fact, will serve the public interest by allowing BellSouth time to provide more accurate data that the Commission, the NANPA, and state commissions can properly analyze. Accordingly, BellSouth respectfully requests that the Commission grant a waiver of the reporting deadline and allow BellSouth to submit its utilization data as soon as possible, and in any event, no later than March 1, 2001.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

Its Attorneys

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Date: February 1, 2001

CERTIFICATE OF SERVICE

I do hereby certify that I have this 1st day of February 2001 served the following parties to this action with a copy of the foregoing **BELLSOUTH TELECOMMUNICATIONS, INC. EMERGENCY PETITION FOR PARTIAL WAIVER/EXTENSION OF TIME** by hand delivery or by placing a true and correct copy of the same in the United States mail, postage prepaid, addressed to the parties listed below.

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Federal Communications Commission
The Portals, 445 Twelfth Street, S. E.
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Juanita H. Lee

• **VIA HAND DELIVERY**

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